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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-260

13 HERBERT PAUL HIKADE  
14 18850 Nau Avenue  
Northridge, CA 91326

**A C C U S A T I O N**

15 Registered Nurse License No. 488166

Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Ruth Ann Terry, M.P.H, R.N (Complainant) brings this Accusation solely  
19 in his official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
20 Department of Consumer Affairs.

21 2. On or about March 31, 1993, the Board issued Registered Nurse License  
22 No. 488166 to Herbert Paul Hikade (Respondent). The Registered Nurse License was in full  
23 force and effect at all times relevant to the charges brought herein, expired on August 31, 2006,  
24 and has not been renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

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1           “(b) Use any controlled substance as defined in Division 10 (commencing with  
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
4 injurious to himself or herself, any other person, or the public or to the extent that such use  
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
6 license.

7           “(c) Be convicted of a criminal offense involving the prescription, consumption,  
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
9 section, or the possession of, or falsification of a record pertaining to, the substances described in  
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
11 thereof.”

12           8.       Section 490 of the Code states:

13           “A board may suspend or revoke a license on the ground that the licensee has  
14 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
15 duties of the business or profession for which the license was issued. A conviction within the  
16 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
17 contendere. Any action which a board is permitted to take following the establishment of a  
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the  
21 Penal Code.”

22           9.       California Code of Regulations, title 16, section 1444 states:

23           “A conviction or act shall be considered to be substantially related to the  
24 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
25 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
26 public health, safety, or welfare.”

27           10.      Section 125.3 of the Code provides, in pertinent part, that the Board may  
28 request the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Conviction of Substantially Related Crimes)

5 11. Respondent is subject to disciplinary action under section 2761,  
6 subdivision (f) and 490, in conjunction with California Code of Regulations, title 16, section  
7 1444, in that Respondent was convicted of crimes substantially related to the qualifications,  
8 functions or duties of a registered nurse which to a substantial degree evidence present or  
9 potential unfitness of Respondent to perform the functions authorized by his license in a manner  
10 consistent with the public health, safety, or welfare, as follows:

11 a. On or about November 1, 2006, Respondent was convicted by the Court  
12 on a guilty plea for violating one count of Penal Code section 192, subdivision (c)(1), a felony  
13 (manslaughter-vehicular), in the Superior Court of California, County of Los Angeles,  
14 Central Judicial District, Case No. LA051910 entitled *The People of the State of California v.*  
15 *Herbert Paul Hikade*.

16 b. The circumstances surrounding the conviction are that on or about March  
17 15, 2006, Respondent unlawfully drove a motor vehicle, while under the influence of alcohol or  
18 drugs, struck and killed a pedestrian in the roadway.

19 c. On or about October 20, 2006, Respondent was convicted by the Court on  
20 a plea of nolo contendere for violating one count of Vehicle Code section 14601.5, subdivision  
21 (a), a misdemeanor (driving with a suspended license), in the Superior Court of California,  
22 County of Los Angeles, Van Nuys Judicial District, Case No. 6VY03345 entitled *The People of*  
23 *the State of California v. Herbert P. Hikade*.

24 d. The circumstances surrounding the conviction are that on or about July 26,  
25 2006, Respondent knowingly drove a vehicle, while his driving privilege was suspended or  
26 revoked.

27 e. On or about March 8, 2006, Respondent was convicted by the Court on a  
28 plea of nolo contendere for violating one count of Penal Code section 368, subdivision (c), a

1 misdemeanor (willfully cause injury to an elder), in the Superior Court of California, County of  
2 Los Angeles, San Fernando Judicial District, Case No. 5SF06677 entitled *The People of the State*  
3 *of California v. Herbert Paul Hikade*.

4 f. The circumstances surrounding the conviction are that on or about  
5 November 14, 2005, Respondent willfully and unlawfully, caused and permitted an elder  
6 dependent adult, to wit: Johann H., to suffer and inflicted unjustifiable physical pain and mental  
7 suffering, while having the care and custody of said dependent adult.

8 g. On or about January 8, 2004, Respondent was convicted by the Court on a  
9 plea of nolo contendere for violating one count of Vehicle Code section 12500, subdivision (a), a  
10 misdemeanor (driving a motor vehicle without a valid driver's license), in the Superior Court of  
11 California, County of Los Angeles, Van Nuys Judicial District, Case No. 3VN03254 entitled *The*  
12 *People of the State of California v. Herbert Paul Hikade*.

13 h. The circumstances surrounding the conviction are that on or about May  
14 26, 2003, Respondent drove a motor vehicle upon a highway, without a valid driver's license.

15 i. On or about August 17, 1999, Respondent was convicted by the Court for  
16 violating one count of Vehicle Code section 23152, subdivision (b), a misdemeanor (driving  
17 while having 0.08% and more, by weight, of alcohol in his blood), in the Superior Court of  
18 California, County of Ventura, Ventura Judicial District, Case No. 99S002022 case entitled *The*  
19 *People of the State of California v. Herbert Paul Hikade*.

20 j The circumstances surrounding the conviction are that on or about June  
21 19, 1999, Respondent drove a vehicle, while having 0.08% and more, by weight, of alcohol in his  
22 blood.

23 k. On or about January 8, 1996, Respondent was convicted by the Court on a  
24 plea of nolo contendere for violating one count of Vehicle Code section 23103, a misdemeanor  
25 (reckless driving), in the Superior Court of California, County of Los Angeles, Metropolitan  
26 Judicial District, Case No. 95F0599301 case entitled *The People of the State of California v.*  
27 *Herbert Paul Hikade*.

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1           1.       The circumstances surrounding the conviction are that on or about October  
2 6, 1995, Respondent drive a vehicle upon a highway in willful or wanton disregard for the safety  
3 of persons or property.

4                                   SECOND CAUSE FOR DISCIPLINE

5                                   (Dangerous Use of Alcohol)

6           12.       Respondent is subject to disciplinary action under section 2761,  
7 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
8 subdivision (b), in that on or about June 19, 1999, Respondent used alcoholic beverages to an  
9 extent or in a manner dangerous or injurious to himself and the public, when he operated a  
10 vehicle, while having 0.08% and more, by weight, of alcohol in his blood, as set forth above in  
11 paragraphs 11i and 11j.

12                                   THIRD CAUSE FOR DISCIPLINE

13                                   (Conviction Involving the Consumption of Alcohol)

14           13.       Respondent is subject to disciplinary action under section 2761,  
15 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
16 subdivision (c), in that on or about August 17, 1999, Respondent was convicted of a crime  
17 involving the consumption of alcohol, as set forth above in paragraphs 11i and 11j.

18                                   FOURTH CAUSE FOR DISCIPLINE

19                                   (Unprofessional Conduct)

20           14.       Respondent is subject to disciplinary action under section 2761,  
21 subdivisions (a) and (d), in that Respondent committed acts which constitute unprofessional  
22 conduct, as more fully set forth in paragraphs 11 through 13 above..

23                                   OTHER MATTERS

24           15.       To determine the degree of penalty to be imposed on Respondent, if any,  
25 Complainant makes the following allegations:

26           a.       On or about November 18, 1987, Respondent was convicted by the Court  
27 on a plea of nolo contendere for violating one count of Penal Code section 12020, subdivision  
28 (a), a misdemeanor (possession/manufacturing/selling a dangerous weapon), in the Superior

1 Court of California, County of Los Angeles, Van Nuys Judicial District, Case No. 87P08319 case  
2 entitled *The People of the State of California v. Herbert Paul Hikade*.

3 b. The circumstances surrounding the conviction are that on or about  
4 September 11, 1987, Respondent was found to be in possession, manufacturing or selling a  
5 dangerous weapon.

6 PRAYER


7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Board issue a decision:

9 1. Revoking or suspending Registered Nurse License No. 488166, issued to  
10 Herbert Paul Hikade;

11 2. Ordering Herbert Paul Hikade to pay the Board the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to Business and Professions Code section  
13 125.3;

14 3. Taking such other and further action as deemed necessary and proper.  
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16 DATED: 3/7/08

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19 RUTH ANN TERRY, M.P.H., R.N.  
20 Executive Officer  
21 Board of Registered Nursing  
22 State of California  
23 Complainant  
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